TSMC-02-1264

February 27, 2004

To: Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attn: Art Unit 2826 - Tan N. Tran

From: George O. Saile, Reg. No. 19,572

28 Davis Avenue

Poughkeepsie, N. Y., 12603

Subject: | Serial No.: 10/618,793 07/15/03 |

Kuo-Chi Tu

METHOD OF IMPROVING THE TOP PLATE ELECTRODE STRESS INDUCTING VOIDS FOR 1T-RAM PROCESS

|_ Art Group: 2826 Tan. N. Tran _|

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election Requirement in the Office Action dated 02/17/04. In that Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March | , 2004.

Stephen B. Ackerman, Reg.# 37761

Signature/Date 3/1/04

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 18-25 to a semiconductor device, classified in Class 257, subclass 306 and Group II - Claims 1-17 to a process, classified in Class 438, subclass 244.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group II - Claims 1-17 drawn to a process classified in Class 438, subclass 244. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "an integrated circuit device" and the process Claims are directed to "a method for fabricating an integrated circuit device", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method

class/subclass 438/244 and products class 257/306 in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "In the instant case, unpatentability of the Group I invention would not necessarily imply unpatentability of the Group II invention, because the device of Group I invention could be made by a process materially different from that of the Group II invention. For example, the process of claim 1 can be materially altered by using ion implanting method instead of depositing method in order to form an anti-reflective coating layer overlying the stress-balancing layer", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,

Stephen B. ~~Ackerman~~, Reg. #37761